

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

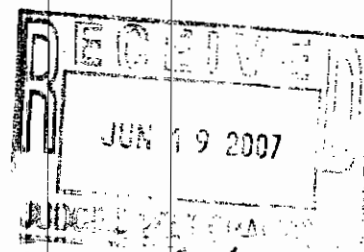
-----X
SANTO LANZAFAME in his fiduciary capacity as :
a Trustee of THE STONE SETTERS LOCAL 84 :
PENSION FUND, ANNUITY FUND, VACATION :
FUND, APPRENTICE FUND and INDUSTRY :
PROMOTION FUND and as a Trustee of the :
BRICKLAYERS LOCAL NO. 1 WELFARE AND :
INSURANCE FUND and as President of the :
BRICKLAYER AND ALLIED CRAFTWORKERS, :
LOCAL UNION NO .1, NEW YORK, B.A.C.I.U. or :
AFL-CIO, :
Fugds. this

Plaintiffs,

v.

TRIBEC LTD., ADAM OTTAVINO and
JOHN or JANE DOE FIDUCIARY,

Defendants.
-----X

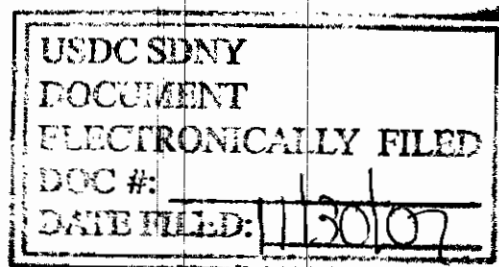


*No arbitration
having been undertaken
or required of the
Fugds. this
motion is denied.
So ordered
Sweet
USDJ
11-29-08*

**DEFENDANTS' MOTION TO DISMISS OR STAY THIS
ACTION BASED ON ARBITRATION CLAUSES**

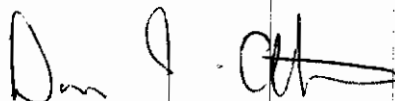
PLEASE TAKE NOTICE that the Defendants Tribec Ltd. and Adam Ottavino, by their attorney, David J. Aronstam, Esq., will move this Court before the Honorable Robert W. Sweet, U.S.D.J., at the Daniel Moynihan United States Courthouse, 500 Pearl Street, Courtroom 18C, New York, New York 10007, at 2:00 p.m., on July 18, 2007, or as soon thereafter as counsel can be heard, for an order or orders (i) staying this action under the Federal Arbitration Act pending the conclusion of arbitration between the parties, and (ii) such other and further relief as this Court deems just and proper.

In support of its motion, Defendants will rely on the declaration of David J. Aronstam dated June 15, 2007 and the accompanying Memorandum of Law in support, dated June 15, 2007.



PLEASE TAKE FURTHER NOTICE that Plaintiff's opposition, if any, is due on or before July 6, 2007 at 5:00 p.m., and Defendants' Reply, if any, is due on or before July 17, 2007 at 5:00 p.m.

Dated: New York, New York
June 15, 2007



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